

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANTONY HICKEY, ALAYZIA
A. HICKEY, NICOLLETTE HICKEY, and
SYMPHONY HICKEY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

NATOSHA L. HICKEY,

Respondent-Appellant,

and

ANTONY M. HICKEY,

Respondent.

In the Matter of ANTONY HICKEY, ALAYZIA
A. HICKEY, NICOLLETTE HICKEY, and
SYMPHONY HICKEY, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANTONY M. HICKEY,

Respondent-Appellant,

and

UNPUBLISHED

March 10, 2005

No. 257420

Calhoun Circuit Court

Family Division

LC No. 02-004034-NA

No. 257747

Calhoun Circuit Court

Family Division

LC No. 02-004034-NA

NATOSHA L. HICKEY,

Respondent.

Before: Murray, P.J., and Markey and O'Connell, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from the trial court's order terminating their parental rights pursuant to MCL 712A.19b(3)(c)(i) (failure to rectify conditions that led to adjudication), (g) (failure to provide the children with proper care and custody), and (j) (reasonable likelihood the children will be harmed). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

This case was initiated in October 2002 when respondent mother and the four children were found living in a passenger truck without food or any other shelter. Police arrested respondent mother on an outstanding warrant, and respondent father was also incarcerated at that time on an unarmed robbery conviction. Both respondents were unemployed at the time of their arrests, and the children were not enrolled in school. During the nearly two years that the case transpired, respondent mother made little effort to comply with the case service plan. She was hospitalized roughly ten times, and she failed to maintain housing or employment. She once set fire to an apartment building during a physical altercation with her live-in boyfriend. Respondent father was incarcerated during most of this period, obtaining release in late May 2004. Upon his parole, respondent father made efforts to comply with the case service plan, but at the time of the final termination hearing, he was still unemployed and was living in a small, one-bedroom apartment that was not up to code. He also anticipated that he and his wife would parent the children together, with his wife acting as primary caretaker.

Respondents contend that the trial court erred in accepting their pleas to certain allegations of the amended petition, which led to the trial court assuming jurisdiction of the children. Respondents failed to preserve this issue. Respondents did not move to withdraw their pleas, nor did they challenge the trial court's consequent assumption of jurisdiction, so they may not now collaterally attack the court's assumption of jurisdiction. *In re Powers*, 208 Mich App 582, 587-588; 528 NW2d 799 (1995).

Respondents further contend that the trial court erred in terminating their parental rights and in finding that termination was not contrary to the best interests of the children. We disagree. Almost two years after the children were removed, both respondents lacked employment, income, and adequate housing for the children. In addition, respondent mother had complied with few of the requirements of the case service plan, and respondent father had anticipated that respondent mother would provide primary care to the children. Therefore, the trial court did not clearly err when it found that petitioner established the statutory grounds for termination by clear and convincing evidence. MCR 3.977(J); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). For these same reasons, the trial court did not clearly err when it

failed to find that termination was contrary to the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000).

Respondent mother also contends that the agency's case service plan violated MCL 712A.18f because it was so overly burdensome that it was not designed to aid in reuniting her with the children. Respondent mother forfeited this issue by failing to raise it before the trial court. *In re RFF*, 242 Mich App 188, 204; 617 NW2d 745 (2000). Moreover, she fails to demonstrate how the plan was either unreasonable or overly burdensome when she failed to complete its basic task of demonstrating adequate housing, income, and mental stability to parent the children.

Affirmed.

/s/ Christopher M. Murray
/s/ Jane E. Markey
/s/ Peter D. O'Connell